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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-10-2025

CORAM

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

WP(IPD) No. 17 of 2025
AND
WMP(IPD) NO. 14 OF 2025

1. Siloxene AG
House No. Zurichstrasse 38,
Bruttisellen, Switzerland 8306,
Through Constituted Attorney,
Mr.P.S.Devar, N-220 Greater Kailash 1,
New Delhi 110048.

Appellant(s)

Vs

1. Controller General Of Patents
Designs And Trade Marks, Boudhik
Sampada Bhavan, Antop Hill,
S.M.Road, Mumbai 400037.

2.Patent Office, Chennai
G.S.T.Road, Guindy, Chennai 600032,
Phone 044-22502081-84.

3.Kausalya Santhanam
Patent Agent No. IN/PA 1183, 128/129
Phase I Royal Enclave, Srirampura,
Jakkur Post, Bangalore 560064.

Respondent(s)

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PRAYER

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus, to quash the order dated Nil, passed by the Respondents Nos.1 and 2 in abandoning the Patent Application No.202347027110 dated 12.04.2023 and direct the Respondent Nos.1 and 2 to restore the patent Application No.202347027110 dated 12.04.2023 in the name of the petitioner and proceed with prosecution of the same.

For Appellant(s): M/s. Md Arshadullah Sheriff
M.Anjana

For Respondent(s): M/s.R.Rajesh Vivekananthan,
DSG For R1, R2
Mr.Vivek Menon For R3

ORDER

The short point that arises for consideration before this Court is that the 3rd respondent was appointed by the petitioner as Patent Agent and the 3rd respondent has filed counter affidavit stating that he has not received any order as contemplated under Form 18. The impugned order dated 19.07.2023 passed by the respondents 1 and 2 has not been received by the petitioner as well as the 3rd respondent.

2. The specific stand taken by the official respondents 1 and 2 is that the email communication has been served, which reflects the status as “served successfully”. The learned counsel appearing for the petitioner as well as the 3rd respondent disputed the same that unless and until they have an acknowledgement with regard to the proof of service, only then it will be

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deemed to have completed service.

3. This Court in WP (IPD) Nos.3 & 4 of 2023 vide order dated 10.08.2023 has considered the issue with regard to Rules 17 and 18 and has set aside the order passed by the official respondents.

4. The specific stand taken by the learned counsel for the 3rd respondent is that he has filed Form 30, which is pending before the authority to examine the same. On verification, the 3rd respondent submits that his claim is still pending and not resolved. In WP(IPD) Nos.3 & 4 of 2023, this Court taken note of Section 21(2), which reads as follows:-

> *"4. The case turns on Section 21(2), which is set out below:*
>
> *"(2) The Registrar shall serve a copy of the notice on the applicant for registration and, within two months from the receipt by the applicant of such copy of the notice of opposition, the applicant shall send to the Registrar in the prescribed manner a counter-statement of the grounds on which he relies for his application, and if he does not do so he shall be deemed to have abandoned his application."*

5. In view of the above submissions, this Writ Petition stands allowed and the impugned order is hereby quashed. Since the impugned order is quashed, the official respondents are directed to reconsider the application filed by the petitioner and give an opportunity to file his counter statement in respect of the notices and such exercise shall be completed within a period of two(2) months

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from the date of receipt of a copy of this order. No costs. Consequently, connected WMP is also closed.

07-10-2025

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No

To

1.Controller General Of Patents
Designs And Trade Marks, Boudhik
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N.SENTHILKUMAR J.

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